

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

CARLY GRAFF, et al.

Plaintiffs,

v.

ABERDEEN ENTERPRIZES II, INC., et al.

Defendants.

Case No. 4:17-CV-606

**PLAINTIFFS' REQUEST FOR ORAL ARGUMENT
ON DEFENDANTS' PENDING MOTIONS TO DISMISS**

Plaintiffs respectfully request oral argument on Defendants' thirteen (13) renewed motions to dismiss, Docs. 398–99, 402–12, the responses to those motions, Docs. 415–27, and the replies thereto, Docs. 428–39. The Court has discretion to hear oral argument under Rule 78(b) of the Federal Rules of Civil Procedure and Local Rule LCvR78-1. *See, e.g., Santana v. City of Tulsa*, 359 F.3d 1241, 1246 (10th Cir. 2004). Plaintiffs believe that oral argument may benefit the Court given the complex procedural history of the case, the scope of the allegations in the operative complaint (Doc. 212), and the array of defenses and immunities asserted by Defendants, which the Tenth Circuit identified as “neither straight-forward nor easily resolved.” *Graff v. Aberdeen Enterprizes II, Inc.*, 65 F.4th 500, 525–26 (10th Cir. 2023). Moreover, this case presents important constitutional issues that affect the lives of many thousands of indigent Oklahomans.

Should this Court determine that oral argument is not necessary, Plaintiffs alternatively propose a status conference so that the parties may confer with the Court about the history and ongoing issues in this litigation, including the status of Plaintiffs' unresolved Motion for Preliminary Injunction (Doc. 77).

Dated: February 9, 2024

Respectfully Submitted,

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